Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 47620

Date: March 7, 2023

Re: Sole Source Certification Number 4528 to TimeKeeper Application Maintenance and Support for the Mississippi Department of Employment Security (MDES)

Contact Name: Kelsey Mathews

Contact Phone Number: 601-432-8123

Contact E-mail Address: kelsey.mathews@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4528 for the Mississippi Department of Employment Security (MDES), please be advised that ITS intends to award Connect Technology, as the sole source provider of TimeKeeper Application Maintenance and Support through September 30, 2023, in an amount not to exceed $3,510.00. Should the migration of a new Human Resource system not occur in this time period, then this sole source certification is valid through March 31, 2026. Please be advised that ITS will determine if additional enhancements, upgrades, or support are within scope during the certification period and may increase the spending authority accordingly. Should Connect Technology change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment B: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

    The TimeKeeper Application Maintenance and Support supports and maintains the MDES system in a "ready" state with patch testing (including emergencies), bug reproduction, priority level support, and environment testing. Connect holds the intellectual property rights including source code and domain knowledge for the MDES TimeKeeper system. MDES has made the business decision to continue using this system until the migration to the Mississippi Accountability System for Government Information and Collaboration (MAGIC) Human Resources (HR) component is complete.

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2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

   The TimeKeeper system allows MDES employees to log their time, rather than fax the previous forms to the main office to be manually logged in. The system allows for employees to log time against various funding sources (i.e. grants, state, federal). In addition, the system keeps up with vacation and personal leave.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

   Connect Technology, LLC developed and modified the existing application in the MDES environment. Connect is the only organization in the world with the source code, unique domain knowledge, expertise, and experience with the MDES TimeKeeper system, which enables Connect to efficiently provide support and maintenance. The Vendor's sole source certification letter is included as Attachment A.

Schedule

Task	Date
First Advertisement Date	03/07/23
Second Advertisement Date	03/14/23
Response Deadline From Objectors	03/21/23 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 03/22/23

Project Details

Purchased in 2011 during the time MDES was not under ITS purview, the TimeKeeper Application Maintenance and Support tracks the time and attendance for the MDES employees. Maintenance and support of the application allows up to two hours of phone support per month, maintains the development system, maintain an operational UAT/Development system for patch testing, bug reproduction, new feature test, emergency security patches, and priority incidents. MDES' spend to date is $15,960.00. MDES anticipates the time system HR component built into MAGIC to be operable within a year. At that time, this system will no longer be needed.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the TimeKeeper Application Maintenance and Support should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to Connect Technology.

    1.1   Interested Party Information

        1.1.1   Contact Name, Phone Number and email address

        1.1.2   Company Website URL, if applicable

    1.2   Objection to Sole Source Certification

        1.2.1   Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, March 21, 2023, at 3:00 p.m. (Central Time) to Kelsey Mathews at kelsey.mathews@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Kelsey Mathews to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

> **SUBMITTED IN RESPONSE TO**
> **Sole Source Certification No. 4528**
> **Accepted until March 21, 2023 @ 3:00 p.m.,**
> **ATTENTION: Kelsey Mathews**

If you have any questions concerning the information above or if we can be of further assistance, please contact Kelsey Mathews at 601-432-8123 or via email at kelsey.mathews@its.ms.gov.

Attachment A: Vendor Correspondence
Attachment B: Sole Source Procurement Overview

connect
SOFTWARE DEVELOPMENT

2/02/2023

Danny Lynch
Procurement Manager
Mississippi Department of Employment Security
1235 Echelon Parkway
Jackson, MS 39213

Sole Source Letter

This letter is to provide notification that Connect Technology, LLC ("Connect") is the sole source provider of the MDES TimeKeeper System. Connect developed & modified the existing application to best perform in the MDES environment.

As a result of our investment in discovery & development (methodology, principles and processes, techniques, tools, protocols, & documentation) we have created a portfolio of intellectual property rights that include:

- Source Code
- Domain Knowledge
- Copyrights

We are the only organization in the world with the source code, unique domain knowledge, expertise, & experience with the MDES TimeKeeper System, which enables Connect to efficiently provide support, maintenance, & troubleshooting for the MDES TimeKeeper System.

Sincerely,

John Welch

John Welch / President
Connect Technology, LLC
18 Northtown Drive, Suite C
Jackson, MS 39211
jwelch@connect-technology.net

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1.   The product or services being purchased must perform a function for which no other product or source of services exists,

2.   The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND

3.   The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment A.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1.   An explanation about why the amount to be expended is reasonable, and

2.   An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of $5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over $5,000 but not over $50,000 (not over $25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than $5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to $250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above $5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above $250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.